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UBER TECHNOLOGIES, INC.  
14 and OTTOMOTTO LLC

15 UNITED STATES DISTRICT COURT  
16 NORTHERN DISTRICT OF CALIFORNIA  
17 SAN FRANCISCO DIVISION

18 WAYMO LLC,  
19 Plaintiff,  
20 v.  
21 UBER TECHNOLOGIES, INC.,  
22 OTTOMOTTO LLC; OTTO TRUCKING LLC,  
23 Defendants.

Case No. 3:17-cv-00939-WHA

**DECLARATION OF MICHELLE  
YANG IN SUPPORT OF  
PLAINTIFF'S ADMINISTRATIVE  
MOTION TO FILE UNDER SEAL  
ITS OPPOSITION TO  
DEFENDANTS' MOTION TO  
STRIKE TRADE SECRET CLAIMS  
(DKT. 1159)**

Trial Date: October 10, 2017

1 I, Michelle Yang, declare as follows:

2 1. I am an attorney at the law firm of Morrison & Foerster LLP. I make this  
3 declaration based upon matters within my own personal knowledge and if called as a witness, I  
4 could and would competently testify to the matters set forth herein. I make this declaration in  
5 support of Plaintiff's Administrative Motion to File Under Seal Its Opposition to Defendants'  
6 Motion to Strike Trade Secret Claims (Dkt. 1159).

7 2. I have reviewed the following documents and confirmed that only the portions  
8 identified below merit sealing:

Document	Portions to Be Filed Under Seal
Exhibits 2-3 & 5-6	Entire Documents
Exhibit 7	Red boxes

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13 3. The entirety of Exhibit 2 is Uber's responses to Waymo's second set of common  
14 interrogatories, and it contains highly confidential technical details of Uber's self-driving car  
15 program interspersed throughout the entire document, including technical specifications for its  
16 LiDAR sensors. This highly confidential information is not publicly known, and its  
17 confidentiality is strictly maintained. I understand that disclosure of this information would allow  
18 Uber's competitors to gain detailed knowledge into the technical specifications of Uber's LiDAR  
19 sensors and use this knowledge to build or improve their own technology, such that Uber's  
20 competitive standing could be significantly harmed.

21 4. The entirety of Exhibit 3 is Uber's responses to Waymo's first set of common  
22 interrogatories, containing highly confidential information regarding the development timeline  
23 and estimated costs of various elements of Uber's LiDAR sensors. This highly confidential  
24 information is not publicly known, and its confidentiality is strictly maintained. I understand that  
25 disclosure of this information would allow Uber's competitors to acquire detailed knowledge into  
26 the development timeline and financial costs of Uber's LiDAR sensors and utilize this knowledge  
27 to advance their own sensor technology, such that Uber's competitive standing could be  
28 significantly harmed.

1           5.       The entirety of Exhibit 5 is an email exchange among members of Uber's self-  
2 driving team, containing highly confidential information regarding the evaluation of various  
3 technical options for Uber's LiDAR sensors. This highly confidential information is not publicly  
4 known, and its confidentiality is strictly maintained. I understand that disclosure of this  
5 information would allow Uber's competitors to obtain a competitive advantage by learning how  
6 Uber approaches the technical challenges of self-driving and evaluates possible solutions to these  
7 challenges, including with regard to Uber's LiDAR sensors, such that they can tailor their own  
8 LiDAR development to counter Uber and Uber's competitive standing could be significantly  
9 harmed.

10          6.       The entirety of Exhibit 6 is an Uber engineer's internal notes containing highly  
11 confidential information relating to internal assessment of an acquisition, including highly  
12 confidential details regarding the company's self-driving car market strategy and technical  
13 LiDAR sensor specifications. This highly confidential information is not publicly known, and its  
14 confidentiality is strictly maintained. Disclosure of this information would allow Uber's  
15 competitors to learn how Uber's strategic priorities and approach to technical challenges of self-  
16 driving cars, including with regard to Uber's LiDAR sensors, such that Uber's competitors could  
17 obtain an advantage by tailoring their own LiDAR development to counter Uber and Uber's  
18 competitive standing could be significantly harmed.

19          7.       Some of the portions marked with red boxes in Exhibit 7 contain the email  
20 addresses, phone numbers, and other contact information of high-ranking current and former  
21 company executives, whose email accounts and numbers may still become compromised if  
22 disclosed to the public. Defendants seek to seal this information in order to protect the privacy of  
23 these current and former executives, as prominent individuals at the company are currently the  
24 subject of extensive media coverage. Disclosure of this information for such high-ranking  
25 executives could expose them to harm or harassment.

26          8.       In addition, the remaining portions marked with red boxes in Exhibit 7 contain  
27 highly confidential information regarding the negotiation and evaluation of a business agreement  
28 with a counterparty that has an ongoing business relationship with Uber. The red boxes include

1 extremely detailed descriptions of business negotiation tactics and strategy, including specific  
 2 financial terms offered, and reveal how Uber structures, evaluates, and analyzes potential  
 3 business offers and agreements. This highly confidential information is not publicly known, and  
 4 its confidentiality is strictly maintained. I understand that disclosure of this information could  
 5 allow competitors to gain insight into how Uber structures and negotiates its business agreements,  
 6 allowing them to tailor their own negotiation strategy, such that Uber's competitive standing  
 7 could be significantly harmed.

8 9. Defendants' request to seal is narrowly tailored to those portions of Plaintiff's  
 9 Opposition and its supporting exhibits that merit sealing.

10 I declare under penalty of perjury under the laws of the United States that the foregoing is  
 11 true and correct. Executed this 15th day of August, 2017, in Los Angeles, California.

12 /s/ Michelle Yang

13 Michelle Yang

14  
 15 **ATTESTATION OF E-FILED SIGNATURE**

16 I, Arturo J. González, am the ECF User whose ID and password are being used to file this  
 17 Declaration. In compliance with General Order 45, X.B., I hereby attest that Michelle Yang has  
 18 concurred in this filing.

19 Dated: August 15, 2017

/s/ Arturo J. González

20 Arturo J. González

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